

REMARKS

The Official Action of September 11, 2009, has been carefully reviewed. Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

No claims have been amended. Applicants note that the Preliminary Amendment of August 24, 2006, canceled Claims 1-22. Accordingly, the claims under consideration are Claims 23-35.

1. Restriction Requirement

Under 35 U.S.C. 121 and 372, the Examiner required restriction among:

Group 1, Claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is triazole and the A ring is pyridine, quinoline or isoquinoline.

Group 2, Claim 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is a tetrazole and the A ring is pyridine, quinoline or isoquinoline.

Group 3, Claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is other than triazole or tetrazole and the A ring is pyridine, quinoline or isoquinoline.

Group 4, Claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is a triazole and the A ring is oxoindene.

Group 5, Claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is a tetrazole and the A ring is oxoindene.

Group 6, Claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is a triazole or tetrazole and the A ring is oxoindene.

Group 7, Claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is a triazole and the A ring is benzothiazole.

Group 8, Claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is a tetrazole and the A ring is benzothiazole.

Group 9, Claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is other than triazole or tetrazole and the A ring is benzothiazole.

Group 10, Claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is a triazole and the A ring is quinoxaline.

Group 11, Claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is a tetrazole and the A ring is quinoxaline.

Group 12, Claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is other than triazole or tetrazole and the A ring is quinoxaline.

Group 13, Claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is a triazole and the A ring is imidazolpyridine, triazolopyridine or naphthyridine.

Claim 14, Claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is a tetrazole and the A ring is imidazolpyridine, triazolopyridine or naphthyridine.

Claim 15, Claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is other than triazole or tetrazole and the A ring is imidazolpyridine, triazolopyridine or naphthyridine.

Claim 16, Claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is a triazole and the A ring is thiazole outside the above groups.

Group 17, Claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is a tetrazole and the A ring is thiazole outside the above groups.

Group 18, Claim(s), 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is other than triazole or tetrazole and the A ring is thiazole outside the above groups.

Group 19, Claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is a triazole and the A ring is six membered with 2 N and 4 C outside the above groups.

Group 20, Claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is a tetrazole and the A ring is six membered with 2 N and 4 C outside the above groups.

Group 21, Claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is other than triazole or tetrazole and the A ring is six membered with 2 N and 4 C outside the above groups.

Group 22, Claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is a triazole and the A ring is phenyl outside the above groups.

Group 23, Claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is a tetrazole and the A ring is phenyl outside the above groups.

Group 24, Claim(s) 1-35 in part, drawn to compounds, compositions and methods of use wherein the X ring is other than triazole or tetrazole and the A ring is phenyl, outside the above groups.

In response to this requirement, the Applicants hereby elect Group 1, Claims 23-35 drawn to compounds, compositions and methods of use wherein the X ring is triazole and the A ring is pyridine, quinoline or isoquinoline, with traverse. Applicants note that an election of species was not required.

The claims reading on this group are Claims 23, 24, 25, 27, 28, and 30-35.

Applicants note that the claimed compounds possess a core structure wherein the central triazole or tetrazole ring bears a phenyl or hetero ring (at R³) and a bicyclic hetero ring (at R¹). The claimed compounds are structurally distinct from the compounds of US 7,417,053 which do not possess this core structure. Accordingly, the compounds of the present invention possess a special technical feature and unity of invention because the core structure in the compounds of the present invention is not found in the compounds of US 7,417,053.

This election is being taken without prejudice to the filing of a divisional application directed to the non-elected subject matter. In accordance with the third sentence of 35 U.S.C. § 121, a patent issuing from the instant application should not be a reference against a divisional application filed before the issuance of such patent.

An Information Disclosure Statement is submitted herewith.

Applicants respectfully contend that the application is allowable and a favorable response from the Examiner is earnestly solicited.

Respectfully submitted,

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